IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

WP(C).No. 24392 of 2006(D)

PETITIONERS:

1. **HASHIR KHAN K., AGED 20 YEARS, S/O.KHADERKUNJU, RESIDING AT MULLASSERIL HOUSE, VEGAI P.O., SASTHAMCOTTA, KOLLAM DISTRICT.**
2. **SONIYA JOHN, AGED 20 YEARS, RESIDING AT VAZHAYIL HOUSE, CHETTIAMPARAMBA P.O., KELAKAM VIA., KANNUR.**
3. **REMYA G., AGED 20 YEARS, RESIDING AT KALLUVILA VEEDU, CHENKODU, OOKKODU P.O., THIRUVANANTHAPURAM.**
4. **SINDHU P., AGED 20 YEARS, RESIDING AT KANIYARKONAM, THADATHARIKATHU VEEDU, PUNALAL P.O., VELLANAD.**

BY ADV. SRI.V.S.CHANDRASEKHARAN
SRI.K.P.ABDUL RASSAK

RESPONDENTS:

1. **PRO-VICE CHANCELLOR, KANNUR UNIVERSITY, KANNUR P.O.**
2. **THE REGISTRAR, CONTROLLER OF EXAMINATIONS, KANNUR UNIVERSITY.**
3. **THE PRINCIPAL, CENTURY COLLEGE OF NURSING, POINACHI THEKKIL P.O., KASARAGOD DISTRICT.**

BY ADV. M.SASEENDRAN,SC,KANNUR UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/08/2007, ALONG WITH WPC. NO.24567/2006 THE COURT ON DELIVERED THE FOLLOWING:

W.P.(C) NO.24392/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE CLAUSE 8 AND 9 OF THE REGULATIONS OF THE BSC NURSING DEGREE COURSE OF KANNUR UNIVERSITY.

EXT.P2:- COPY OF THE CIRCULAR NO.GA 1/E2/9854/04 DT. 10.4.06 ISSUED BY THE REGISTRAR OF THE UNIVERSITY OF CALICUT.

EXT.P3:- COPY OF THE NOTIFICATION IN MALAYALAM DAILY MALAYALA MANORAMA.

EXT.P4:- COPY OF THE ORDER IN IA. NO.11073/06 IN WPC 11507/06.

EXT.P5:- COPY OF THE INTERIM ORDER DT. 20.9.06 PASSED BY THIS HONOURABLE COURT IN WPC 24392/06.

EXT.P6:- COPY OF THE NOTIFICATION DT. 12.1.07.

EXT.P7:- COPY OF THE JUDGMENT IN WPC NO.12361/0-6 DT. 30.8.06.

EXT.P5:- COPY OF THE MARK LIST BEARING REGISTER NO.2166.
(IA.4924/2007)

/TRUE COPY/

P.A. TO JUDGE

tss

S. SIRI JAGAN, J.

W.P.(C)NOs. 24392 & 24567 OF 2006

DATED THIS THE 21st DAY OF AUGUST, 2007

JUDGMENT

The petitioners in these two writ petitions are the students of 3rd year B.Sc Nursing Course conducted by the Kannur University. As per the regulations applicable the candidates can write the examination for the 2nd year only if the candidate passes the previous examinations. The petitioners could not pass some of the papers of the 1st year. Therefore, they were prevented from appearing for the 2nd year examination. The petitioners have approached this court for a direction to the respondents to permit the petitioners to write the 2nd year examination in relaxation of the regulations making passing of the previous examinations a condition for appearing for the subsequent examinations. The ground on which they seek this relief is that in other Universities relaxation has been granted as evidenced by Ext.P2 order of the Calicut University. The petitioners submit that the petitioners have been discriminated in the matter in so far as students of other Universities have been given relaxation whereas students of the Kannur University alone has been denied the relaxation.

2. I have considered the rival contentions in detail. Admittedly there is a regulation which prescribes that no candidate shall be

admitted to the subsequent examinations unless he has passed the previous examinations. I do not find the logic behind issuing relaxation as done in Ext.P2 at a time when standards of University education in this country is constantly deteriorating. The University should be more vigilant in seeing that the regulations framed are strictly adhered to in the matter of examinations. As such I am of the firm opinion that such relaxation should not be granted not only by Kannur University but also by other Universities as well. The regulations are framed not for respecting it in its breach but for implementing it in letter and spirit. The purpose of these regulations is to ensure higher standards of education in the State. If the Universities, who are to uphold the standards of education in the State permits further deterioration in the standards of education that would further affect the educational system itself in the State which should not be permitted. As such, I feel that such relaxation is not warranted. I therefore, direct the University to see that such relaxation is not granted lightly.

3. However, following some other earlier interim orders, in these two cases also, the petitioners have been permitted by this Court to appear for the examinations provisionally for the 2nd year. Therefore, although legally they are not entitled to, as a special case, in these writ petitions I direct the University to declare the results of the examinations written by the petitioners on the

strength of the interim orders in these two cases but holding that such relaxation should not be granted in future.

The writ petitions are disposed of as above.

S. SIRI JAGAN, JUDGE

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